

City of St. Louis Department of Personnel Administrative Regulation NO. 113

THE POLICY AND COMPLAINT PROCEDURE AGAINST HARASSMENT

Effective: April 11, 2011

All employees of the City of St. Louis are expected to treat others with dignity and respect. Consequently, harassment on the basis of race, color, national origin, ancestry, religion, age (40 years and over), disability, sex, sexual orientation, gender identity or expression, marital status, genetic information or retaliation for participation in a complaint of or investigation of discrimination or harassment is prohibited and will not be tolerated. Harassment involving others encountered in the workplace, such as vendors, clients, or customers is also prohibited.

I. EXAMPLES OF HARASSMENT:

Examples of harassment may include, but not be limited to the following:

A. Verbal harassment, including derogatory remarks, comments, slurs or jokes that relate to race, color, national origin, ancestry, religion, age (40 years and older), disability, sex, sexual orientation, gender identity or expression, marital status or genetic information;

B. The showing, display or distribution of pictures, posters, cartoons, drawings, e-mails, writings, objects or other materials which are derogatory or offensive and relate to race, color, national origin ancestry, religion, age (40 years and over), disability, sex, sexual orientation, gender identity or expression, marital status or genetic information;

C. Pranks or physical interference with normal work or movement based on an individual's race, color, national origin, ancestry, religion, age (40 years and over), disability, sex, sexual orientation, gender identify or expression, marital status or genetic information;

D. Showing, displaying or distributing pictures, posters, objects or other materials which are sexually explicit, suggestive, or offensive;

E. Unwelcome or offensive sexual advances, requests or demands for sexual favors, or conduct of a sexual nature including touching, pushing, back rubs, grabbing, kissing, pinching, brushing up against, or other

physical contact of a sexual nature. This conduct may be directed toward an employee or other individuals of the same or opposite sex.

II. COMPLAINT PROCEDURE:

Following is the procedure for reporting harassment:

A. If you believe you are being harassed due to your race, color, national origin, ancestry, religion, age (40 years and over), disability, sex, sexual orientation, gender identity or expression, marital status, genetic information or retaliation for participating in a complaint of, or investigation of discrimination or harassment, the incident should be reported immediately to any of the following: your immediate supervisor; your department's diversity counselor, your appointing authority/designee or to the Employee Relations Section of the Department of Personnel;

B. Employees should report harassment immediately, and on the first occasion it occurs. They should not wait for it to become severe or pervasive;

C. Employees who observe or are made aware of the harassment of another employee are required to report the harassment to their immediate supervisor, their department's diversity counselor, their appointing authority/designee; or to the Employee Relations Section of the Department of Personnel;

Following are steps to be pursued in filing, investigating and resolving complaints under this policy and complaint procedure:

D. STEP 1 THE INFORMAL COMPLAINT PROCESS:

1. The complainant should report the complaint to one of the following, either verbally and/or in writing: the employee's immediate supervisor or the employee's appointing authority/designee or the diversity counselor in the employee's department;
2. Within three (3) calendar days of the receipt of a complaint, the appointing authority/designee will begin an investigation. The appointing authority/designee can consult with the Department of Personnel regarding any

questions about the complaint and /or appropriate steps to take in the investigation;

3. The investigation should be completed within twenty-one (21) calendar days of the complaint being filed, unless an extension is requested and granted by the Director of Personnel. (If the extension is not granted, the complaint shall be forwarded to the Department of Personnel for completion of the investigation.);

4. The results of the appointing authority's investigation shall be shared with complainant and a written summary of the complaint, investigation and resolution shall be filed with the Employee Relations Section in the Department of Personnel within thirty (30) calendar days of the complaint being filed.

E. STEP 2 THE FORMAL COMPLAINT PROCESS:

1. If the complaint is not resolved satisfactorily at Step 1 (because the complainant is dissatisfied with the resolution or because a resolution has not been proposed within twenty-one (21) calendar days of the complaint being filed, or if the complainant prefers to file a formal written complaint directly with the Department of Personnel), he/she should fill out an EEO Complaint form, which can be obtained by contacting the Employee Relations Section in the Department of Personnel, the Internet, or from his/her supervisor or diversity counselor;

2. When completing an "EEO Complainant" form, employees are encouraged to provide as much detail as possible, including dates, times, witnesses, etc., in order to facilitate a prompt and thorough investigation. The form must include factual information and the reason(s) why the employee believes that the action(s) taken against him/her were in violation of this regulation. It must also include a recommendation for a resolution that is satisfactory to the complainant;

3. Upon receipt of the completed EEO complaint form, the Director of Personnel or his/her designee shall within five

(5) calendar days notify the appointing authority in writing of the specific allegation(s) and request that a position statement be submitted within fifteen (15) calendar days. The Employee Relations Section shall then conduct an investigation and submit a summary and recommendation to the Director of Personnel for review and consideration within thirty (30) calendar days of the commencement of the investigation, unless an extension is granted by the Director of Personnel;

4. If the finding is that the complaint is substantiated, the Employee Relations Section will notify the Director of Personnel of the outcome and the Director of Personnel will send a letter to the complainant, with a copy to the appointing authority, announcing the result and recommending that a resolution be pursued;

5. If agreement is reached, the complaint resolution will be reviewed by the Director of Personnel prior to signature by the appointing authority/designee, and the complainant. After these signatures have been affixed, the Director of Personnel or his/her designee will then sign the agreement verifying the stipulation. Copies of the agreement will be given to the signatories. The original document will be filed in the Employee Relations Section of the Department of Personnel, with a copy given to the Director of Personnel;

6. If the finding is that the complaint is unsubstantiated or cannot be resolved, the Employee Relations Section will notify the Director of Personnel of the outcome and the Director of Personnel will send a letter to the complainant with a copy to the appointing authority announcing the result.

F. Compensation: Employees who are required to participate in the investigation process by his/her appointing authority/designee or the Department of Personnel will be paid their salaries. If they are off duty and would be entitled to overtime pay under the compensation ordinance, they shall be paid accordingly.

G. Violation of this administrative regulation may result in discipline up to and including dismissal.

III. PROTECTION AGAINST RETALIATION:

The City of St. Louis prohibits retaliation against employees who file complaints of harassment, report the harassment of another employee or individual encountered in the workplace, such as a vendor, client or customer, or who cooperate or participate in an investigation of a harassment complaint. Therefore,

A. Employees are required to immediately report any retaliation resulting from filing a complaint of harassment, for reporting a violation of the regulation, or for cooperating or participating in an investigation of a complaint of harassment as outlined in this regulation;

B. Any complaint of retaliation will be handled in accordance with the formal complaint process set forth in Section II. D. of this regulation;

C. Any individual who retaliates against any person making a complaint under this procedure or assisting in a harassment investigation will be subject to appropriate disciplinary action up to and including dismissal.

IV. RECORDS:

A. Written documentation of any investigation conducted under this procedure must be kept for a minimum period of five (5) years.

B. Appointing authorities are required to issue a copy of this regulation to every employee under their authority. Issuance of the regulation must be documented by having the employee and issuing supervisor sign the attached "Certification and Declaration" form. One copy of the form must be filed with the Department of Personnel, Employee Relations Sections within five (5) working days of issuance. One copy should be retained by the operating department or agency, and one given to the employee.

Questions concerning this policy are to be referred to the Employee Relations Section of the Department of Personnel at 622-3563.

Richard R. Frank
Director of Personnel

April 11, 2011
Attachment

One copy to employee
One copy for department
Original to Department of Personnel-Employee Relations Section

Certification and Declaration

I, (Print Name) _____ have
received and read a copy of the Policy And Complaint Procedure. I understand that as
a condition of employment, I will report any incident of harassment according to the
complaint procedure therein specified.

SIGNED: _____ DATED:

DEPARTMENT: _____ DIVISION:

I certify that the employee named above was provided a copy of the City's policy on
harassment and a copy of this form on the date indicated above.

Supervisor's/Manager's Signature

Class Title

Department

Date

This Certification and Declaration must be signed and dated by the employee and the
issuing supervisor/manager and retained by the employee.

DOP 4/11

EEO Complaint Form